

REMARKS/ARGUMENTS

The Office Action mailed February 15, 2004, has been reviewed. The finality of the Official Action was withdrawn, as was the allowance of claims 5, 17 and 19. Claims 1-3, 7-9, 13-15, 19-21, 25-27 and 31 were rejected under 35 U.S.C. Section 102(b). Claims 1-19, 12-22, 24-31, 33 and 34 were rejected under 35 U.S.C. Section 102(b). Claims 10 and 22 were rejected under 35 U.S.C. Section 103(a). Claims 11, 23 and 32 were rejected under 35 U.S.C. Section 103(a). And, claims 12, 24 and 33 were rejected under 35 U.S.C. Section 103(a). Claims 35-38 were allowed.

Applicants respectfully thank the Examiner for the allowance of claims 35-38; the allowance is appreciated.

Applicants have provided herewith their amendments to the claims. Based upon these limitations to the claims, Applicants respectfully traverse the above-referenced rejections, to the extent that such rejections may apply to the amended claims presented herewith. Applicants respectfully request reconsideration of the above-referenced rejections, in view of the amended claims and remarks provided herewith.

The Amended Claims

Independent claim 1 has been amended to specify a non-refillable dispenser adapted for dispensing from a table top and convertible to dispensing from a conventional rolled product fixture. The dispenser includes a housing formed from a plurality of walls which cooperate with an upper end and a lower end to provide the housing and a compartment therein to hold sheets. A dispensing opening for removal of sheets is formed in at least one portion of the housing. The housing is designed to be positioned on a table top for dispensing sheets therefrom. The housing includes connecting means formed in at least one end of the housing. The end includes two spaced-apart areas of perforations which, when opened, provide a pair of spaced-apart openings. One portion of the end is configured to be flexible such that the portion of the end flexes to permit the housing to be coupled to a fixture while at least one other portion of the end remains in its original position perpendicular to an adjacent

wall. The connecting means are masked as a portion of the housing when the dispenser is positioned on a table top for dispensing. The connecting means are easily un-masked when the perforations are opened to provide the pair of spaced-apart openings to permit the housing to be releasably coupled to a fixture. Independent claim 13 has been similarly amended.

Independent claim 25 has been amended as well. Claim 25 has been amended to specify a non-refillable dispenser adapted for dispensing from a table top and convertible to dispensing from a conventional rolled product fixture in the bathroom. The non-refillable dispenser comprises a housing formed from a plurality of walls which cooperate to provide the housing and a compartment therein to hold sheets. At least one dispensing opening for removal of sheets is formed in at least one portion of the housing. The housing is designed to be positioned on a table top for dispensing sheets therefrom. The housing includes two spaced-apart areas of perforations formed in spaced-apart parallel walls of the housing which, when opened, provide a pair of spaced-apart openings which permit a portion of a fixture to be positioned through the openings in the walls and into at least a portion of the compartment of the housing to couple the housing to a fixture. The purpose for the perforations is masked when the dispenser is positioned on a table top for dispensing. The purpose for the perforations is unmasked when the perforations are opened to provide the pair of spaced-apart openings to permit the housing to be releasably coupled to a fixture in a bathroom for dispensing sheets therefrom, and wherein at least one wall of the housing is disposed at an oblique angle relative to a vertical support surface when coupled to a fixture.

Antecedent basis for the amendments to claims 1 and 13 is found in Figures 2, 3, 6 and 7. Antecedent basis for the amendments to claim 25 is found in Figures 17, 18 and 20-22, and the specification at p. 21, lines 15-24.

Dependent claim 7, 19 and 31 were canceled. It is respectfully submitted that all amendments are properly made, and it is further respectfully requested that all amended claims be entered and considered.

Applicants' Response to the 35 U.S.C. Section 102(b) Rejections

Claims 1-3, 7-9, 13-15, 19-21, 25-27 and 31 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Sauer et al., U.S. Pat. No. 6,439,386 (hereinafter "Sauer"). Applicants respectfully traverse the rejections, to the extent that such rejections may apply to the presently presented claims.

Sauer discloses a packaged, absorbent paper product, a container, and a dispensing method. The container includes flap or a hanger member 36 which is integral to the container 10 at one end. The hanger member 36 must be released from the container 10 via removal of strip 54, as shown in Figure 2. The hanger member 36 is then moved around support member 32 (roll holder) and then reattached to the container 10 via an adhesive or a first attachment member 42. See Specification, col. 3, lines 56-67 and col. 4, lines 1-4, and Figures 1A, 2A, 2 and 3.

The present invention, in contrast, as now claimed, does not use a hanger member which is detached from the housing and which provides a flap to overlap a roll holder. The present invention includes connecting means (claim 1) formed in at least one end of the housing (claim 1 and 13), the end including two spaced-apart areas of perforations which, when opened, provide a pair of spaced-apart openings, one portion of the end configured to be flexible such that the portion of the end flexes to permit the housing to be coupled to a fixture while at least one other portion of the end remains in its original position perpendicular to an adjacent wall. Figure 3, for example, illustrates the perforations in the end and the portion of the end flexing to permit a portion of the fixture to extend therethrough. Also illustrated directly next to the perforations are portions of the end which do not flex, but remain in their original position which is perpendicular to an adjacent (vertical) wall (side wall) of the housing. These characteristics and limitations are not disclosed, taught or suggested by Sauer. Sauer requires all of the hanger member to extends upward at an almost vertical angle and the hanger member as a whole forms an arc above and over an upper end of the Sauer housing. This is unlike the present invention, as now claimed, in which a

portion of an end is released and flexes, while surrounding portions do not flex and one or more of these portions remain in its original position perpendicular to an adjacent side wall.

In addition, Sauer does not permit the introduction of a portion of a roll fixture through the compartment provided for holding sheet material provided in the housing. Claim 25 now provides that the housing of the dispenser includes two spaced-apart areas of perforations formed in spaced-apart parallel side walls of the housing which, when opened, provide a pair of spaced-apart openings which permit a portion of a fixture to be positioned through the openings in the walls and into at least a portion of the compartment of the housing in order to couple the housing to a fixture. Sauer does not disclose, teach, or suggest providing perforations which permit openings through which a fixture is positioned to extend into the compartment which holds the sheet material.

Sauer cannot anticipate independent claims 1, 13 and 25, when the reference fails to disclose the limitations stated in the claims as now amended. Accordingly, it is respectfully submitted that the 35 U.S.C. Section 102(b) rejections of independent claims 1, 13 and 25 should be withdrawn. Similarly, since the remaining dependent claims cited in the rejections depend, directly or indirectly from claims 1, 13 and 25, it is also respectfully submitted that the 35 U.S.C. Section 102(b) rejections of the referenced pending dependent claims also be withdrawn.

Applicants' Response to the 35 U.S.C. Sections 103(a) Rejections

Applicants' note the Examiner's query regarding named joint inventors. The subject matter of the claims, as defined by the amended claims provided herewith, was commonly owned at the time of any inventions covered herein were made.

Turning now to the 35 U.S.C. Section 103(a) rejection, claims 10 and 22 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Sauer et al. in view of Mitchell et al. '605. Claims 11, 23 and 32 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Sauer et al. in view of Ponsi et al. Claims 12, 24 and 33 were rejected under 35 U.S.C. Section 103(a) as being

unpatentable over Sauer, et al. in view of Medoff. Applicants respectfully traverse the rejections, to the extent that such rejections may apply to the presently presented claims.

Sauer has been discussed, above. Mitchell discloses a housing in which dry sheets and a container of premoistened sheets are provided. Ponsi discloses a dispenser having a resealable cover. Medoff discloses a housing constructed of cellophane. However, neither Sauer, Mitchell, Ponsi, or Medoff, alone or in combination, teach the limitations of independent claims 1, 13 and 25, as discussed in detail above, as now amended herein. Further, no reference cited herein, alone or in any combination, discloses, teaches, or suggests the limitations now provided via amendment in independent claims 1, 13 and 25.

Therefore, it is respectfully submitted that all dependent claims referenced in the rejection are not rendered obvious in view of the reference, since they depend, directly or indirectly, from one of the independent claims 1, 13 and 25, and therefore incorporate all of the limitations of the independent claim from which each depends. Accordingly, it is respectfully submitted that the 35 U.S.C. Section 103(a) rejections of the referenced dependent claims should be rescinded.

Applicants respectfully submit that all pending claims are now in a condition for allowance. Favorably action is respectfully solicited.

Applicants' attorney would welcome an opportunity to discuss any portion of this submission with the Examiner; the Examiner is therefore encouraged to telephone the undersigned to resolve any remaining issues to pass this application to allowance. The undersigned may be reached at 770-587-8653.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

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